

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

(Rationalised Report according to the Notice of the President of the EPO published in the OJ11/2001)

Applicant's or agent's file reference L/2AL38/17	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP03/09384	International filing date (day/month/year) 22/08/2003	Priority date (day/month/year) 30/08/2002
International Patent Classification (IPC) or national classification and IPC A23L1/08		
Applicant CAMPINA B.V.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 2 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 18/02/2004	Date of completion of this report 09/06/2004
Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tlx: 523656 opmu d Fax (+49-89) 2399-4465	Authorized officer KASPERS H M C Tel. (+49-89) 2399 2828



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No.

PCT/EP03/09384

I. Basis of the report

The basis of this international preliminary examination is the application as originally filed.

V. Reasoned statement under Rule 66.2(a)(II) with regard to novelty, inventive step or industrial applicability

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).

BEST AVAILABLE COPY
PATENT COOPERATION TREATY
PCT

REC'D 15 JUN 2004

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)


(Rationalised Report according to the Notice of the President of the EPO published in the OJ11/2001)

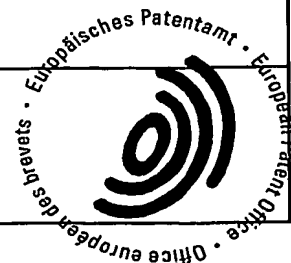
Applicant's or agent's file reference L/2AL38/17	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP03/09384	International filing date (day/month/year) 22/08/2003	Priority date (day/month/year) 30/08/2002
International Patent Classification (IPC) or national classification and IPC A23L1/08		
Applicant CAMPINA B.V.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This **REPORT** consists of a total of 2 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of _____ sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 18/02/2004	Date of completion of this report 09/06/2004
Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer KASPERS H M C Tel. (+49-89) 2399 2828



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No.

PCT/EP03/09384

I. Basis of the report

The basis of this international preliminary examination is the application as originally filed.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).

INTERNATIONAL SEARCH REPORT

PCT/EP 03/09384

A. CLASSIFICATION OF SUBJECT MATTER		
IPC 7	A23L1/00 A23C11/00	A23J3/10 A23J3/00 A23F5/40 A23G1/00
According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED		
Minimum documentation searched (classification system followed by classification symbols)		
IPC 7 A23L A23J A23F A23G A23C		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the International search (name of data base and, where practical, search terms used)		
WPI Data, PAJ, EPO-Internal, FSTA		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 813 815 A (KRAFT FOODS INC) 29 December 1997 (1997-12-29) claims 1-16	1,8, 18-22
X	EP 1 228 694 A (NESTLE SA) 7 August 2002 (2002-08-07) paragraph '0048!; claims 1-4	1,8,23
X	WO 02 060283 A (UNILEVER PLC ; LEVER HINDUSTAN LTD (IN); UNILEVER NV (NL)) 8 August 2002 (2002-08-08) claims 1-8,21,22	1,12,15
A	EP 1 074 181 A (NESTLE SA) 7 February 2001 (2001-02-07) cited in the application page 3; claims 1-10; example 2	1,18-23
<input type="checkbox"/> Further documents are listed in the continuation of box C. <input checked="" type="checkbox"/> Patent family members are listed in annex.		
* Special categories of cited documents : *A* document defining the general state of the art which is not considered to be of particular relevance *E* earlier document but published on or after the international filing date *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) *O* document referring to an oral disclosure, use, exhibition or other means *P* document published prior to the international filing date but later than the priority date claimed *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. *&* document member of the same patent family		
Date of the actual completion of the international search		Date of mailing of the international search report
10 November 2003		25/11/2003
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016		Authorized officer Desmedt, G

INTERNATIONAL SEARCH REPORT

Information on patent family members

PCT/EP 03/09384

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0813815	A	29-12-1997	AT 238679 T	15-05-2003
			CA 2205773 A1	21-12-1997
			CN 1170542 A	21-01-1998
			DE 69721385 D1	05-06-2003
			EP 0813815 A1	29-12-1997
			HU 9701077 A2	30-03-1998
			JP 10066531 A	10-03-1998
			PL 320653 A1	22-12-1997
EP 1228694	A	07-08-2002	EP 1228694 A1	07-08-2002
			CA 2436897 A1	26-09-2002
			WO 02074096 A2	26-09-2002
WO 02060283	A	08-08-2002	WO 02060283 A2	08-08-2002
			EP 1355544 A2	29-10-2003
			US 2002155208 A1	24-10-2002
EP 1074181	A	07-02-2001	EP 1074181 A1	07-02-2001
			AU 6697800 A	19-02-2001
			BR 0012977 A	23-04-2002
			CA 2379174 A1	08-02-2001
			CN 1377233 T	30-10-2002
			WO 0108504 A1	08-02-2001
			EP 1206193 A1	22-05-2002
			HU 0202302 A2	28-10-2002
			JP 2003505098 T	12-02-2003
			US 2002127322 A1	12-09-2002